

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CA NO. 3:05-CV-02858-MJP

UNITED STATES OF AMERICA, ex rel.,)
MICHAEL K. DRAKEFORD, M.D.,)
)
Plaintiffs,)
)
v.)
)
TUOMEY d/b/a TUOMEY HEALTHCARE)
SYSTEM, INC.)
)
Defendant.)

GOVERNMENT'S INITIAL DISCLOSURES

The plaintiff, the United States of America, makes the following initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1):

1. Pursuant to Fed.R.Civ.P. 26(a)(1)(A)(i), individuals who may have discoverable information:

Dr. Ted Williams

Dr. Kent Cunningham

Dr. Floyd Angus

Dr. Scott R. McDuffie

Dr. David E. Brown

Dr. John Britton

Dr. Barney Williams

Dr. Thomas Hepfer

Dr. Murrell Smith

Dr. Samuel Riddle

Dr. Tessa Kincade

Dr. Helen Latham

EXHIBIT 6

Dr. Michael Drakeford

Dr. Hans Brings

Dr. James W. Ellett

Dr. Henry P. Moses

Dr. Robert Lee

Dr. David Lovice

Dr. Paul Evangelisti

Dr. Kurt Stroebe

Dr. Scott McDuffie

Dr. Mark Crabbe

Dr. Danny Ford

Dr. Robert Ridgeway

Patsy Royal

Greg Thompson

John Brabham

Greg Martin

Jay Cox

Joel Grice

Doug Cardinal

Any other Cjeka Consulting employees involved
in the rendering of opinion letters to Tuomey

Chris Caison

Dr. Ken Rosefield

Ann Rickard

Robin Caples

Crystal Bishop

Jennifer Smith

Chal Glen

Dr. Charles Moss

Dr. Jerry Jackson

Lynn Lashley

Gary Koslin

Brian Odum

Dean Byrd

Donna Welch

Dr. Brandon Fites

Dr. France Cuce

Possible additional Operating Room personnel
and/or Nurse Anesthetists

Greg Smith

Kevin McAnaney

Tim Hewson

Steven H. Pratt

Any other attorneys involved in the rendering
of opinion letters to Tuomey

Mark Curtis

James Wilson

All members of Tuomey Board of Directors
during the period of the alleged fraud

Various Tuomey employees not yet identified

Possible expert witnesses, yet to be named

Possible representatives of carriers,
intermediaries and/or TriCenturion with
knowledge of claims submitted by Tuomey.

Possible representatives of the South
Carolina Medicaid program with knowledge of
claims submitted by Tuomey

Special Agent Su Kim

All persons named or referred to in the
Complaint

2. Pursuant to Fed.R.Civ.P. 26(a)(1)(A)(ii), description
of documents which may be used to support the
plaintiff's claims:

All documents previously delivered by Tuomey
to the United States during the investigation
of this case, including but not limited to:

- All electronic and hard copy documents
delivered
- Binder entitled "Tuomey Healthcare System
Legal Advice"
- Tabs A, B and C (i.e. factual portions) of
Binder entitled "Tuomey Healthcare System
Analysis Presented to United States
Department of Justice" (previously referred
to as the "white paper")

All documents previously produced to the
United States and Tuomey by Kevin McAnaney

All documents produced by Cjeka Consulting

Cjeka Consulting Powerpoint Presentation

All signed and proposed Part Time Employment Agreements

All Legal Opinion Letters

All Cjeka Consulting Opinion Letters

Various documents produced to the United

States by Michael Drakeford, bates numbers DP
00008 - DP00241

Records supporting claims submitted to the
Medicare and Medicaid Programs, including
Electronic Claims data from TriCenturion and
South Carolina HHS

Copies of Form 990 Tax Returns filed by Tuomey

Copies of Tuomey's Hospital Cost Reports for 2003-2006

Documents received from the following
individuals: Michael Drakeford, Robert Lee,
Greg Smith, Joel Grice.

Tuomey Hospital Conflict of Interest Policy

Documents received from Cross Country
Healthcare

Tuomey Provider Agreement from CMS

Tuomey Medicare Application Information

3. Pursuant to Fed.R.Civ.P. 26(a)(1)(A)(iii), a
computation of damages (note - these damage figures are
preliminary, and do not include all data from the end
of 2007 or any data from 2008):

Medicare Damages:

Estimated dollars paid by Medicare to Tuomey for the technical
component and other ancillary services performed by Tuomey for
the patients seen by the "Tuomey Practice Groups" on the same day
of service, which appears to be as a result of the "outpatient
surgeries" performed by the physicians named in the Amended
Complaint:

| | 8136 - Gastro | 8151 - OBGYN | 8152 - Opthamology | 8190 - Surgical Svcs. | Total |
|--------------|---------------------|------------------|-----------------------|--------------------------|---------------------|
| 2005 | 872,565.56 | 14,625.67 | 556,225.52 | 451,917.89 | 1,895,334.64 |
| 2006 | 780,527.17 | 25,091.23 | 636,736.18 | 702,428.75 | 2,144,783.33 |
| 2007 | 670,826.49 | 16,983.12 | 487,207.70 | 693,588.79 | 1,868,606.10 |
| Total | 2,323,919.22 | 56,700.02 | 1,680,169.40 | 1,847,935.43 | 5,908,724.07 |

Estimated total dollars paid by Medicare to Tuomey as a result of referrals for designated health services by the physicians named in the Amended Complaint (these figures include the "outpatient surgery" figures above):

| | 8136 - Gastro | 8151 - OBGYN | 8152 - Ophthalmology | 8190 - Surgical Svcs. | Total |
|--------------|----------------------|---------------------|---------------------------------|----------------------------------|----------------------|
| 2005 | 3,461,938.03 | 234,046.89 | 568,574.20 | 6,004,235.22 | 10,268,794.34 |
| 2006 | 3,329,457.63 | 160,801.48 | 654,292.37 | 5,783,431.41 | 9,927,982.89 |
| 2007 | 2,636,904.86 | 134,451.16 | 502,541.80 | 5,520,549.72 | 8,794,447.54 |
| Total | 9,428,300.52 | 529,299.53 | 1,725,408.37 | 17,308,216.35 | 28,991,224.77 |

Estimated number of claims presented by Tuomey to Medicare for designated health services referred by the physicians named in the Amended Complaint (for calculation of penalties):

| | 8136 - Gastro | 8151 - OBGYN | 8152 - Ophthalmology | 8190 - Surgical Svcs. | Total |
|--------------|----------------------|---------------------|---------------------------------|----------------------------------|---------------|
| 2005 | 3,143 | 809 | 906 | 1,513 | 6,371 |
| 2006 | 3,153 | 717 | 967 | 1,540 | 6,377 |
| 2007 | 2,477 | 443 | 746 | 1,407 | 5,073 |
| Total | 8,773 | 1,969 | 2,619 | 4,460 | 17,821 |

Medicaid Damages:

Estimated dollars paid by Medicaid to Tuomey for the technical component and other ancillary services performed by Tuomey for the patients seen by the "Tuomey Practice Groups" on the same day of service, which appears to be as a result of the "outpatient surgeries" performed by the physicians named in the Amended Complaint:

| | 8136 - Gastro | 8151 - OB-GYN | 8152 - Ophthalmology | 8190 - Surgical Svcs. | Total |
|--------------|----------------------|----------------------|---------------------------------|----------------------------------|---------------------|
| 2005 | 377,653.69 | 1,612,395.76 | 58,776.95 | 498,160.66 | 2,546,987.06 |
| 2006 | 357,264.01 | 1,694,849.81 | 68,417.13 | 741,115.60 | 2,861,646.55 |
| 2007 | 136,800.82 | 814,649.71 | 32,878.88 | 247,483.27 | 1,231,812.68 |
| Total | 871,718.52 | 4,121,895.28 | 160,072.96 | 1,486,759.53 | 6,640,446.29 |

(Note: The United States has not yet been able to calculate the total Medicaid Damages for all designated health services referred by the physicians named in the Amended Complaint)

Estimated number of claims presented by Tuomey to Medicaid for designated health services referred by the physicians named in the Amended Complaint (for calculation of penalties):

| | 8136 - Gastro | 8151 OBGYN | 8152 - Ophthalmology | 8190 - Surgical | Total |
|--------------|---------------|---------------|-------------------------|-----------------|---------------|
| 2005 | 842 | 4,215 | 246 | 428 | 5,731 |
| 2006 | 656 | 4,006 | 330 | 585 | 5,577 |
| 2007 | 386 | 2,174 | 134 | 283 | 2,977 |
| Total | 1,884 | 10,395 | 710 | 1,296 | 14,285 |

4. Pursuant to Fed.R.Civ.P. 26(a)(1)(A)(iv), there are no insurance policies relevant to this action in the ownership, possession, custody or control of the United States; however the United States requests copies of any relevant insurance policies owned by, paid for by, or in the possession, custody or control of the defendant or any of its officers, directors or employees.

Submitted this 28th day of May, 2008.

Respectfully submitted

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Acting Assistant Attorney General

/s/ G. NORMAN ACKER, III

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Attorneys for the United States

CERTIFICATE OF SERVICE

I do hereby certify that I have this 28th day of May, 2008,
served a copy of the foregoing upon the below-listed parties
electronically or by placing a copy of the same in the U.S.

Mails, addressed as follows:

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